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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,423	07/13/2001	Patrick H. Hayes	81230.62US2	4720
34018	7590	03/14/2006	EXAMINER	
GREENBERG TRAURIG, LLP			SHAPIRO, LEONID	
77 WEST WACKER DRIVE			ART UNIT	PAPER NUMBER
SUITE 2500			2677	
CHICAGO, IL 60601-1732			DATE MAILED: 03/14/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/905,423	HAYES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Leonid Shapiro	2677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7-10 and 13-27 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 7-10 and 13-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the newly introduced limitation of independent claims 7,13,17,23: "a wide area network" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The newly introduced limitation of independent claims 7,13,17,23: "a wide area network" is not shown in specification.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-8, 10, 13-14, 16-17, 23, 25, 27 are rejected under 35 U.S.C. 102(e) as being apatentable over Daum et al. (Pub. No.: US 2003/0046377 A1) in view of Allport (US Patent No. 6,104,334).

As to claim 7, Daum et al. teaches a method of displaying information to a consumer relevant to the operation of a consumer appliance (See paragraph 0023), comprising:

entering into a hand-held device data that functions to identify the consumer appliance (See Fig. 4, items User Interface, 402, 404, paragraph 0062);

uploading the data that functions to identify the consumer appliance from the hand-held device to remote system, located remotely from consumer appliance (inherently, in order to receive diagnostic routines from remote systems 140, 150, where

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diagnostic information stored by appliance type and serial number, the appliance identification information must be uploaded to remote systems 140, 150) (See Fig. 1, items 110, 140-150, paragraphs 0021, 0025);

using the data that functions to identify the consumer appliance at remote system to retrieve an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance (diagnostic routines) (See Fig. 1, items 110, 140-150, paragraph 0025); and

transmitting the electronic document from the remote system to a the hand-held device whereby a representation of the electronic document is displayable on the hand-held device (See Fig. 5, item 540, paragraph 0054, page 5, left column, Lines 10-16).

Daum et al. does not disclose WEB server.

Allport teaches WEB server (See Col. 5, Lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teachings of Allport into Daum et al. system in order to interact with controlled devices (See Col. 5, Lines 54-59 in Allport reference). Notice, that Daum et al. uses remote system and Allport uses WEB for hand-held devices.

As to claims 8, 14 Daum et al. teaches a browser application for retrieving and displaying the representation of the electronic document (See Fig. 1, items 110, 140-150, paragraph 0025 and Fig. 5, Items 530-540, paragraph 0054).

As to claim 13, Daum et al. teaches in a hand-held device having a display, a readable media having instructions for displaying information relevant to the operation of a consumer appliance (See Fig. 2, items 210-250, paragraph 0023), the instructions performing steps comprising:

storing data that functions to identify computer appliance (See Dishwasher START, paragraph 0062)

causing the data that functions to identify the consumer appliance to be uploaded to remote system located remotely from the consumer appliance which uses that data that functions to identify the consumer appliance (inherently, in order to receive diagnostic routines from remote systems 140, 150, where diagnostic information stored by appliance type and serial number, the appliance identification information must be uploaded to remote systems 140, 150) (See Fig. 1, items 110, 140-150, paragraphs 0021, 0025) to retrieve an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance (See Fig. 5, item 530); and

receiving the electronic document from remote system (diagnostic routines) (See Fig. 1, items 110,140-150, paragraph 0025); and

displaying a representation of the electronic document in the display (See Fig. 5, item 540, paragraph 0054, page 5, left column, Lines 10-16).

Daum et al. does not disclose WEB server.

Allport teaches WEB server (See Col. 5, Lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teachings of Allport into Daum et al. system in order in order to interact with controlled devices (See Col. 5, Lines 54-59 in Allport reference). Notice, that Daum et al. uses remote system and Allport uses WEB for hand-held devices.

As to claim 17, Daum et al. teaches a system comprising (paragraph 0023);  
a hand-held device having a display and a memory (See Fig. 2, items 210, 220) in which is stored data that functions to identify a make of consumer appliance (See Dishwasher START, paragraph 0062); and  
a remote system located remotely from the consumer appliance on which is an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance (See Fig. 1, items 140-150, paragraph 0021); and

wherein the hand-held device is adapted to cause the data that functions to identify the consumer appliance to be uploaded to a remote system which uses that data that functions to identify the consumer appliance (inherently, in order to receive diagnostic routines from remote systems 140, 150, where diagnostic information stored by appliance type and serial number, the appliance identification information must be uploaded to remote systems 140, 150) (See Fig. 1, items 110, 140-150, paragraphs 0021, 0025) to retrieve an electronic document (See Fig. 5, item 540); and download the electronic document to the hand-held device whereby a representation for the

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electronic document may displayed in the display (See Fig. 1, items 110, 140-150, paragraph 0025).

Daum et al. does not disclose WEB server.

Allport teaches WEB server (See Col. 5, Lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teachings of Allport into Daum et al. system in order to interact with controlled devices (See Col. 5, Lines 54-59 in Allport reference). Notice, that Daum et al. uses remote system and Allport uses WEB for hand-held devices.

As to claim 23, Daum et al. teaches a hand-held device (paragraph 0023) comprising;

a hand-held device having a display and a memory (See Fig. 2, items 210, 220) in which is stored data that functions to identify a make of consumer appliance (See Dishwasher START, paragraph 0062); and

a browser application comprising instructions for reading from memory the data that functions to identify the make of the consumer appliance (See Fig. 4, item Dishwasher START), for retrieving (inherently, in order to receive diagnostic routines from remote systems 140, 150, where diagnostic information stored by appliance type and serial number, the appliance identification information must be uploaded to remote systems 140, 150) (See Fig. 1, items 110, 140-150, paragraphs 0021, 0025) via a network connection to retrieve an electronic document (See Fig. 5, item 540) comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the

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consumer appliance located at remote system accessed address which is mapped within hand-held device to the data to identify that functions to identify the make of the consumer appliance (See Fig. 1, items 110, 140-150, paragraphs 0021 and 0025), and for displaying a representation of the retrieved document in the display (See Fig. 5, item 540, paragraph 0054, page 5, left column, Lines 10-16).

Daum et al. does not disclose WEB server.

Allport teaches WEB server (See Col. 5, Lines 54-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teachings of Allport into Daum et al. system in order to interact with controlled devices (See Col. 5, Lines 54-59 in Allport reference). Notice, that Daum et al. uses remote system and Allport uses WEB for hand-held devices.

As to claims 10, 16, 27, Allport teaches a remote control having a memory in which are stored a library of command codes for commanding the operation of a plurality of different consumer appliances and a set-up program by which the data that function to identify of the consumer appliance is used to select command codes from the library of command codes that are appropriate to command the operation of the consumer appliance (See Fig. 15, items 10, 65, 420, in description See Col. 22, Lines 25-65 and Col. 8, Lines 60-63).

As to claim 25, Allport teaches the network comprises the Internet (See Col. 5, Lines 54-59).

4. Claims 9, 15, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daum et al. and Allport as aforementioned in claims 7, 13, 23 in view of Ketcham (US Patent No. 6,195,589 B1).

Daum et al. and Allport do not show a bar code reader as part of the hand-held device for use in entering the data that function to identify the consumer appliance.

Ketcham teaches a bar code reader as part of the hand-held device for use in entering the information representative of the consumer appliance (See Fig. 3, item 54, in description See Col. From Col. 3. Line 60 to Col. 5, Line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a bar code reader in Daum et al. and Allport method in view of teaching of Ketcham because appliances could be remotely controlled.

5. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Daum et al. and Allport as aforementioned in claim 17 in view of Kolawa et al. (US Patent No. 6,236,974 B1).

Daum et al. and Allport do not show the appliance, as a kitchen appliance and the human-readable information comprise a recipe.

Kolawa et al. teaches the appliance as a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe (See Fig. 1, items 10,16, in description See from Col. 2, Line 66 to Col. 3, Line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a kitchen appliance and the human-readable information comprise a

recipe Kolawa et al. in Daum et al. and Allport apparatus in view of Kolawa et al. teaching because appliances could be remotely controlled.

6. Claims 19-22, 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Daum et al. and Allport as aforementioned in claims 17 and 23 in view of Amro et al. (US Patent No. 6,507,762 B1).

Daum et al. and Allport do not show the human-readable information comprises multiple linked pages and browser which adapted user manual.

Amro et al. teach hand-held device (a remote control) comprises PDA (See Fig. 5, item 110, in description See Col. 5, Lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time of the invention that PDA will be able to use the human-readable information with multiple linked pages and browser which adapted user manual in the Daum et al. and Allport apparatus because appliances could be remotely controlled.

#### ***Response to Argument***

7. Applicant's arguments filed on 01.12.06 with respect to claims 7-10, 13-27 have been fully considered and are not persuasive:

On page 9, 1<sup>st</sup> paragraph of Remarks Applicant's stated that it would be unnecessary for the appliance to use the data that functions to identify the appliance to retrieve diagnostic information. However, inherently, in order to receive diagnostic routines from remote systems 140, 150, where diagnostic information stored by

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appliance type and serial number, the appliance identification information must be uploaded to remote systems 140, 150 (See Fig. 1, items 110, 140-150, paragraphs 0021, 0025) and retrieve the information to receive programs, diagnostic routines, upgrade messages, and the like (See paragraph 0025).

On page 10, 2<sup>nd</sup> paragraph of Remarks Applicant's stated that there would be no motivation to combine Daum, since Daum is directed to maintain the direct connectivity between the diagnostic interface and that single appliance. However, Daum teaches multiple appliances as oven, stove, dishwasher, lighting system... (See Paragraph 0021) and communications by expansion cards to remote system, which is inherently WEB server (See Fig. 1; items 140-150, paragraph 0025).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Telephone Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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